

COUNCIL CHAMBERS--CITY COUNCIL  
CITY HALL--CITY OF LODI  
Monday, September 21, 1936

The City Council of the City of Lodi met in regular session on Monday, September 21, 1936 at 8:00 o'clock P. M. Councilmen Clark, Graffigna, Spooner, Weihe and Steele present; none absent.

The minutes of the last regular meeting held September 8, 1936 were read, approved as read and so indorsed by the Mayor.

Mrs. Smith, lessor of the premises generally known as "Martin's Camp Ground" on West Lockeford Street and F. A. Henning, her attorney being present, the Mayor directed that the Clerk read a petition which had been filed with him protesting against the alleged conditions at this camp ground. After reading the petition, Mr. Henning stated that Mrs. Smith was willing to cooperate with the City in any manner so as to make these premises comply with the state law and with the ordinances of the City. At the order of the Mayor the matter was referred to the Committee on Public Health and Safety for investigation and also to act in conjunction with the District Sanitary Inspector.

A letter was received from Attorney Robert M. Searls recommending that the City make certain further investigations in the Mokelumne River Percolating Case now remanded to the Superior Court of San Joaquin County for re-trial. Mr. Searls stated that these investigations might cost the total sum of Three Thousand (\$3,000.00) Dollars, and on motion of Councilman Spooner, seconded by Councilman Graffigna, it was determined that the Council should proceed in accordance with Mr. Searls' recommendations. Motion carried unanimously.

Letters of thanks were received from the California State Firemen's Association and the Lodi Volunteer Fire Department expressing their good will toward the Council and the City for their cooperation in making the late State Firemen's Convention a success.

Letters were also received from the Division of Natural Resources, Division of Parks advocating the Council's endorsement of Proposition No. 4 to be submitted to the voters of the State next November and from the Citizens Liquor Law Enforcement Committee asking that the Council oppose a suggested local option measure to be numbered Proposition No. 9 on the ballot and that they favor Proposition No. 3 covering liquor control through a state governing board. No action taken.

At this time the Clerk reported that he had received the following letter from Mr. P. M. Downing, First Vice-President of the Pacific Gas & Electric Company.

September 18, 1936

To the City of Lodi and  
to the City Council thereof,  
Lodi, California.

Gentlemen:

We have in recent weeks reviewed carefully and given serious consideration to the legal controversies pending during the past several years between the City of Lodi and Pacific Gas and Electric Company. Among these controversies is that of the power project proposed to be constructed by the City of Lodi at a cost of \$466,000 to its citizens pursuant to authorization given therefor at a special election of September 12, 1935 under Ordinance No. 212 of its City Council. The litigation involved has been extensive and expensive and a source of irritation to both parties.

We are advised that the City Clerk's record shows that to date between \$35,000 and \$40,000 have been expended by the City of Lodi in such litigation affecting such power project, including engineering, legal, land purchases and other expenses. Prolongation of the controversies will add to this expense.

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Even if the City of Lodi should ultimately succeed in the court proceedings respecting the power project the result would be to increase municipal expenditures through local taxation and place upon the tax payers the burden of the bond issue of \$466,000, since such bond issue is a general obligation upon all of the taxable property within the city.

From the point of view of the Pacific Gas and Electric Company the continuance of the litigation will also mean heavy expense and possibly the loss of a desirable customer, that is, the City of Lodi. Even if Pacific Gas and Electric Company should be successful in court the prolonged litigation may impair the friendly relations which it has and would like to maintain with the people of the City of Lodi.

In view of the foregoing circumstances, we have concluded to submit and do herewith submit a written proposition to you wherein we will on the conditions therein stated pay to you the sum of Seventy-five thousand dollars (\$75,000.00), in consideration for which you will (a) convey to Pacific Gas and Electric Company all your right, title and interest in and to the real properties now held by you on the Mokelumne River in connection with said power project, (b) effectually and finally abandon said power project, (c) legally cancel and destroy all of said bonds which were authorized to be issued for constructing said project pursuant to election held September 12, 1936, and (d) enter into a written stipulation with Pacific Gas and Electric Company consenting to a final judgment in the pending proceeding against you in the United States District Court permanently enjoining the issuance, re-issuance and/or sale of said bonds.

In as much as the Colorado Power Company, a corporation, possesses a reversionary interest in certain of your said properties and also owns certain parcels of land contiguous thereto we have also concurrently herewith submitted it an offer to purchase same in connection with your said properties.

If you shall elect to accept such offer kindly inform us by sending us certified copy of resolution of the City Council to that effect.

Yours very truly,

PACIFIC GAS AND ELECTRIC COMPANY

By P. M. DOWNING  
Its First Vice-President  
and General Manager.

PMD:B

Mayor Steele stated and his statement was acquiesced to by the other members of the Council, that it would be impossible to take any action at this time on so important a matter and he thereby recommended that this matter be laid over until the next regular meeting of the Council. At the suggestion of City Attorney Glenn West all legal matters mentioned in the above letter concerning the steps to be taken if the City should favorably consider the offer therein made, be referred to Mr. Robert M. Searls, Special Counsel for the City and Mr. George Herrington of Orrick, Palmer and Dahlquist. This was done on motion of Councilman Spooner, seconded by Councilman Graffigna and carried unanimously.

Ordinance No. 228 entitled "AN ORDINANCE LEVYING TAXES FOR THE FISCAL YEAR BEGINNING JULY 1ST, 1937," having been regularly introduced at the last meeting of the City Council held September 8, 1936 was now brought up for final passage and adoption and on motion of Councilman Clark seconded by Councilman Weihe, second reading was omitted and the ordinance finally passed and adopted by the following vote:

AYES: Councilmen, Clark, Weihe, Graffigna, Spooner and Steele  
NOES: Councilmen, None  
ABSENT: Councilmen, None

The Mayor thereupon approved and signed the ordinance.

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Resolution No. 856 was introduced on motion of Councilman Weihe, seconded by Councilman Clark.

RESOLUTION NO. 856

RESOLVED, by the City Council of the City of Lodi this 21st day of September, 1936 as follows:

That from and including the 1st day of October, 1936 the following employees of this City shall be paid for their services at the following rates:-

THOS. G. KILLELEA, line foreman, at the rate of One Hundred Seventy-five (\$175.00) Dollars per month;

ROBERT McLANE, meter man, Electric Department at the rate of One Hundred Fifty (\$150.00) Dollars per month plus an auto mileage allowance of Five (5¢) Cents per mile;

FRANK W. HICKOK, GEORGE DUCHARME, FOREST EPROSON AND HENRY SCHENKENBERGER each at the rate of One Hundred Twenty-five (\$125.00) Dollars per month as employees of the Street Department;

PAUL T. NESBIT at the rate of One Hundred Sixty-five (\$165.00) Dollars per month plus an auto mileage allowance of Five (5¢) Cents per mile;

FORREST E. COOPER, at the rate of One Hundred Fifty (\$150.00) Dollars per month in full for all services as Park Custodian and/or City Poundmaster, one half of said wages to be charged to the City Pound and the balance to park maintenance;

CLIFFORD GATZERT, at the rate of One Hundred Forty (\$140.00) Dollars per month, plus an auto mileage allowance of Five (5¢) Cents per mile;

RESOLVED ALSO, that where no monthly or weekly allowance is stated for the use of private automobiles, the rate paid therefore shall be Five (5¢) Cents per mile;

WILLIAM MEYER, as foreman in the Water and Sewer Department at the rate of One Hundred Sixty-five (\$165.00) Dollars per month;

E. L. WEAVER, as City Judge, at the rate of One Hundred (\$100.00) Dollars per month;

MARGARET BLAKELY, as stenographer in the City Clerk's Office, at the rate of Eighty-five (\$85.00) Dollars per month;

Each of the employees herein named shall be entitled to and shall be allowed an annual vacation period of Fifteen (15) days exclusive of Sundays and Holidays, such vacation period to be for the fiscal year beginning July 1st. Any person, entitled to vacation, who enters City service after the 1st day of July shall be allowed vacation time at the rate of One and one-quarter ( $1\frac{1}{4}$ ) days for each month employed up to June 30th of the same year.

The foregoing Resolution No. 856 was then passed and adopted by the following vote:

AYES: Councilmen, Weihe, Clark, Graffigna, Spooner and Steele  
NOES: Councilmen, None  
ABSENT: Councilmen, None

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Much complaint having arisen over the street on the easterly side of the 700 block of Church Street due to fallen figs from four trees planted along the curbing of the street, and it appearing that there was considerable danger of someone being injured because of the slippery pavement caused thereby, the City Engineer was authorized to remove the trees on motion of Councilman Spooner, seconded by Councilman Graffigna and carried unanimously.

Four building permits Nos. 1545 to 1548 inclusive for structures to cost \$7,875.00 were allowed and ordered granted.

The action of the Clerk in granting two temporary dance permits for dances to be held on the night of September 19th was approved and granted on motion of Councilman Spooner, seconded by Councilman Weihe. The Clerk was authorized to issue 21 business licenses under Ordinance No. 221 after the application therefor had been granted on motion of Councilman Graffigna, seconded by Councilman Weihe.


Mayor Steele stated that it was necessary that better inspection be made of basements especially in the business district by the fire department and Fire Chief Geo. Polenske being present stated that it would be impossible for him to make the required inspection. On motion of Mayor Steele, seconded by Councilman Clark, the salary now allowed Mr. M. R. Channell as Assistant Fire Chief was ordered to be raised to the sum of Fifty (\$50.00) Dollars per month, such salary to include the inspection of premises for fire protection.

Bills in the amount of \$4,012.79 being claims No. 27284 to and including No. 27352 as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Spooner and seconded by Councilman Graffigna.

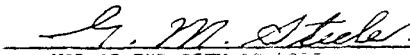
Councilman Clark brought up the matter of an alleged nuisance maintained at 316 North Pleasant Avenue being premises owned by J. J. Mittleider and the Clerk was directed to look into the matter of having the nuisance abated under existing ordinance.

On motion of Councilman Graffigna, none dissenting, the Council then adjourned to and until the day and hour of its next regular meeting.

ATTEST:

  
J. F. BLAKELY, CITY CLERK.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read at a subsequent meeting of said Council held October 6, 1936 and approved without correction.

  
MAYOR OF THE CITY OF LODI.